

## MINUTES

### WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting to be held in Commissioners Meeting Room,  
Third Floor, Historic Court House,  
Boonville, IN  
Monday, December 10, 2018, 6:00 PM

**PLEDGE OF ALLEGIANCE:** A moment of silence was held followed by the Pledge of Allegiance.

**MEMBERS PRESENT:** Guy Gentry, President; Bob Johnson; Amanda Mosiman; Doris Horn; and Jeff Willis.

Also present were Morrie Doll, Attorney; Sherri Barnhill, Executive Director; Molly Barnhill, Assistant Director, and Katelyn Cron Staff.

**MINUTES:** Upon a motion by Doris Horn and seconded by Bob Johnson the Minutes from the regular meeting held October 8, 2018 as well as the Minutes from the no meeting date of November 13, 2018 were approved as circulated.

The President explained the rules of procedure. He stated the rezoning's would go to the Commissioners for final approval on Monday, January 14, 2018.

**PP-18-12 – Deer Ridge Estates Replat Lot 4 by William F. & Margaret Weyerbacher, Owners** 7.027 acres located on the N side of SR 68 approximately 900 feet W of the intersection of SR 68 and Eby Rd. Deer Ridge Estates Subdivision. Hart Twp. 1244 SR 68. (*Advertised in the Standard November 29, 2018*)

Scott Buedel, Engineer for Cash Wagner and Associates, was present.

The President called for a staff report.

Mrs. Rector stated they had all of the green cards except from the State of Indiana. She added it was mailed to the correct address and on time but they never signed for them. She said the property was zoned Agricultural and there was no flood plain on the property. She said it was a proposed 2 Lot subdivision and INDOT had approved the shared driveway as a private drive and they were not required an INDOT permit. She said they were requesting no additional improvements to be made to SR 68, which there wouldn't be. She stated the Drainage Board ruled today that no additional drainage plans were required. She said Lot 4A had an approved septic site and Lot 4B had an existing system that Aaron Franz in Health Department had signed off on. She said Patoka Lake had water capacity and there was an existing single family dwelling on Lot 4B, and Lot 4A would be a building site. She added it was just one additional building site and it was already a major subdivision so it had to be a major subdivision again. She said it was in technical conformity to the Subdivision Control Ordinance.

The President asked if there was anything to add to the staff report.

Scott Buedel replied no that was pretty complete; this was just a family deal. He said William was there tonight in case the Board had any questions for him. He said he was wanting to convey Lot 4A to his son so he could build next door to him.

The President asked for any questions from the Board members. He asked if there were any remonstrators for or against the project. Being none he asked for a motion.

Amanda Mosiman made a motion to approve PP-18-12. The motion was seconded by Doris Horn and was unanimously approved.

**PP-18-13 – Chatham Place Subdivision by R.A. McGillem Custom Homes LLC by Ronald McGillem, Partner** 7.31 acres located on the E side of Grimm Rd approximately 526 feet N of the intersection formed by Grimm Rd and Willow Pond Rd, Ohio Twp. Lot 2 in Fadheel Sub. 4822 Grimm Rd. (Advertised in the Standard November 29, 2018)

Ron McGillem, Owner of R.A. McGillem Custom Homes LLC, and Bill Bivins, Engineer, were present.

The President called for a staff report.

Mrs. Rector stated they had received all return receipts except for three, but they had the white pay receipts for those and they were sent out on time and mailed correctly. She added the zoning was “R-1A” Single Family Dwelling and there was no flood plain on the property. She said it was proposed to be an 8 lot subdivision. She said the Commissioners approved the street plans that day and the Drainage Board approved the drainage plans. She said they had sewer capacity from Chandler but there was a letter on there they were working with Newburgh. She asked did he know which it was.

Bill Bivins responded he had an email from Newburgh. He asked did they send it to the Planning Commission.

Mrs. Rector responded no. She asked so would it be Newburgh or Chandler sewer.

Bill Bivins replied Newburgh Sewer.

Mrs. Rector continued with the staff report, she said they had a letter from Chandler for the water. She said as stated before, it was a proposed 8 lot residential subdivision. She said the lots ranged in size from .76 acres to .9 acres and the plat was in technical conformity to the Subdivision Control Ordinance.

The President asked if there was anything to add to the staff report.

Ron McGillem replied no, sir.

The President asked for any questions from the Board members. He asked if there were any remonstrators for or against the project. Seeing none he called for a motion.

Bob Johnson made a motion to approve PP-18-13. The motion was seconded by Jeff Willis.

Amanda Mosiman asked if they needed to put the contingent that Newburgh had capacity.

Mrs. Rector replied yes.

Bob Johnson made another motion to approve PP-18-13 subject to the capacity letter from Newburgh sewer. The motion was seconded by Jeff Willis and was unanimously approved.

**PP-18-14 – Timber View Estates II by Mark & F Jill Nance, owners** 5.98 acres located on the W side of Fuquay Rd approximately 200 feet S of the intersection of Fuquay and Timber View Dr. Replat of Lots 3 thru 6 and part of the SE quarter of S14 T6S R9W Ohio Twp. (*Complete legal on file*) (*Advertised in the Standard November 29, 2018*)

The President called for a staff report.

Mrs. Rector stated that Mr. Nance did not get his notices sent out in time. She said it was advertised in the paper but it would be pushed back to next month's meeting.

Amanda Mosiman made a motion to continue PP-18-14 to January 14, 2018. The motion was seconded by Doris Horn and was unanimously approved.

**PC-R-18-16 - SJ Robertson Investments LLC by SJ Robertson, owner** to rezone 7.50 acres located on the E side of Martin Rd a distance of 1,000 feet S of the intersection of Martin Rd and Vann Rd. From "M-1" Light Industrial to an "A" Agricultural Zoning District, Ohio Twp. (*Complete legal on file*) (*Advertised in the Standard November 29, 2018*)

Steve Robertson, Owner of SJ Robertson Investments LLC, and Bill Bivins, Engineer, were present.

The President called for a staff report.

Mrs. Rector said that they had received all return receipts from certified mail to adjacent property owners. She said the minimum lot size for Agricultural zoning is .5 acres if on sewer and 2.5 acres if on septic. She added the Comprehensive Plan had no projection for this area. She said there was an accessory building on the property. She said the property to the North is zoned M-1 and the rest of the adjacent property is zoned Agricultural. She stated all of the surrounding property was vacant and the owner planned to build a house on this property, which was not allowed in an M-1 Industrial Zoning District. She added there was no flood plain and there was an existing residential driveway onto Martin Road. She said the stated use was single family dwelling and this would then make it into compliance. She added this property was rezoned to industrial a few years ago. She said she thought they were thinking the industrial zoning would continue on out toward Vann

Road. She said he was just hoping to down-zone the property to be able to build a residence, there would not be any industrial uses around that area.

The President asked if there was anything to add to the staff report.

Steve Robertson replied no, sir.

The President asked for any questions from the Board members.

Amanda Mosiman said she wanted him to know he did have M-1 zoned to the North and he could possibly have industrial to the North of him at some point.

Steve Robertson said he understood.

The President asked for any other questions from the Board members. He asked if there were any remonstrators for or against the project. Seeing none he called for a motion.

Doris Horn made a motion to give a positive recommendation for PC-R-18-16 to the Commissioners. The motion was seconded by Amanda Mosiman and was carried unanimously.

The President stated this recommendation would go forward to the January 14, 2018 Commissioners meeting for final approval.

#### 1455 Square Deal Mine Road- Jim Nichols property

Jim Nichols, owner of 1455 Square Deal Mine Road, was present.

The President called for a staff report.

Mrs. Rector stated Mr. Nichols had come into site review about dividing his property up. She said he had a pole barn type structure on his property that she had thought was an accessory building. She added she hadn't seen what it looked like and after the meeting she saw the pictures of the building and she considered this a residence. She said the ordinance stated he could not have two residences on a single piece of property. She said she notified him that he needed to divide his acreage to be able to build another house. She said he had called and asked what it would take to make it not a residence and to be able to leave it on his piece of property. She said she told him that it was too nice of a building to tell him what he needed to tear out.

Jim Nichols said the pictures online were extremely flattering to that piece of property. He said now that it was empty he had taken pictures of it and would like to share those with the Board.

Mrs. Rector said okay.

Jim Nichols showed the photos to the Board and explained what each room consisted of. He said it had a living portion, shop portion, and horse stables. He said he would like to live there while he was building his house and as soon as he got his house built he would move out and make this

a pool house. He said he planned to build a pool between the barn and the lake. He added he would like to be able to leave the kitchen and things in it. He said he would never use it as a house again.

Mrs. Rector said normally the kitchen would have to go or it would be considered a residence. She added even the definition of a guest house would say no kitchen.

Attorney Doll said he thought the range was the issue. He said they had ice makers and refrigerators in pole barns, as long as they were not able to cook anything per say.

Mrs. Rector said to do what he was saying he wanted to do, in her opinion, he could not have a full kitchen there.

Jim Nichols said he would be glad to take it out, after he got out of it.

Mrs. Rector continued if the Board agreed that this would not be considered a residence and could be a pool house, without the kitchen, then he would still need to apply for a variance to go to the Board of Zoning Appeals to have two residences on the same property until he got moved in to his new house and then at that time the Board would give him so much time to remove the kitchen appliances.

The President asked would they then send out an inspector to ensure it was removed.

Mrs. Rector replied yes. She said however, the Commission could see the pictures and she herself was not going to tell him to tear up anything without their opinions.

Jim Nichols said he would rather not tear it up.

Mrs. Rector asked why he didn't just divide the parcel into two pieces.

Jim Nichols said he did not want two driveways and two addresses. He added it was just going to be his house and a pole barn.

Attorney Doll said even if it was assigned a second address he did not have to use it.

Jim Nichols asked what about driveways and road frontages, etc.

Mrs. Rector said she had explained to him on the phone he could do a shared driveway.

Jeff Willis asked where he was wanting to build.

Jim Nichols, referring to the map, said he would want to build right there. He said the parcel to the East would be subdivided for his children. He added one of my children was going to build a house on one parcel and the other on the other parcel. He added that was a different thing he had going. His idea was to put the pool in and share this pool house with his children and build a new house for himself.

The President said he didn't understand why he didn't just divide it into two parcels to have the pool house on one and the house on the other. He added then there would be no discrepancies. He said he could split the shared drive and only have one mailbox there. He said then he could have the two parcels and if one day he would like to sell that as a residence, and he left the kitchen in it, he could do so.

Bob Johnson asked did that make sense to him, referring to Jason Fuchs.

Jason Fuchs, Engineer, came to the podium.

Jason Fuchs said he would argue that the taxes could be potentially extremely high with paying on two houses. He said to him that would be somewhat of a burden. He added he agreed with what they were saying with looking on down the road, but...

Jeff Willis asked would he have his homestead on the first building, but not on the second.

Mrs. Rector said yes.

The President said yes it would most likely be assessed that way.

Attorney Doll said however it was a pole barn and it would not be assessed terribly high.

Bob Johnson added it would be assessed as a barn.

Mrs. Rector said she had told Mr. Nichols that in her opinion he needed to divide it and leave the pole barn as it was because it was such a nice place. She said Jason Fuchs was already doing a Minor Subdivision on his property and it wouldn't take much more to create another parcel for him to build a new house on and leave this one alone.

The President said he already knew what the taxes were as it was, but it was ultimately his decision.

Jason Fuchs said he didn't understand the problem with having a pole barn and a residence on a piece of property.

Attorney Doll replied that this was not a barn.

Mrs. Rector said she did not think so either.

Jason Fuchs said maybe not, but there were a lot of people in the county who had similar situations. He said that was what he was arguing. He added Mr. Nichols could do what he wanted, it was his property but...

Attorney Doll said there were not very many barns that he knew of with granite counter tops.

Jim Nichols said he knew of a couple.

Attorney Doll said he could only think of one. He said this was a real asset to the property.

Jim Nichols said he knew, that was one reason he purchased it.

Attorney Doll said it would be a shame but in order to be made into the definition of an accessory building they would have to tear it up.

Jim Nichols asked as far as tear it up, what he meant.

Attorney Doll replied the kitchen.

Jim Nichols asked just the appliances, or the counter tops and everything.

Attorney Doll replied no, he could theoretically have granite counter tops in a repair shop, but historically what the Board had always said was cooking appliances constituted a residence. He added with a bathroom and cooking appliances it was a residence. He said they had many people who came forward who they had moved out of the pole barn and into the new house, they would be forced to remove cooking appliances from their current house so it could not be a habitat.

The President asked was there just a bath and a half in it.

Jim Nichols replied he said the residence had a bath and a half but the shop had a full bath as well.

Mrs. Rector said she would consider it a residence.

Attorney Doll said he agreed.

Jason Fuchs asked what they got the permit for in the first place.

Mrs. Rector said she didn't know but they could have come in to the office and said it was an accessory building even if it wasn't when they first pulled the permit on it.

Jason Fuchs asked his final question would be to make it into just a barn what would be necessary. He said he knew they said he would have to get rid of the kitchen but to what extent.

Mrs. Rector said she didn't think anyone had a three bathroom garage or storage building. She said she could see having one bathroom in one but there shouldn't be three bathrooms, a bedroom, and a kitchen.

The President said however there were some pool houses that do have those things, which was what he was wanting it to be when he was done. He said he was not wanting it to be a residence or a barn, he was wanting it to be a pool house. He asked so what would he need to do to have that.

Attorney Doll asked how many square feet it was.

Jim Nichols replied it was 1,100 square feet of living quarters and he wasn't sure of the square footage of the entire barn.

Mrs. Rector said also the septic that had been approved previously was probably only big enough for the barn. She said so he would either have to enlarge the septic or...

Jim Nichols said he was planning on getting a whole new system for the house. He said he would get a whole new perk test and everything. He said the overall goal was to make that a pool house.

Mrs. Rector read from the Comprehensive Zoning Ordinance the definition of Guest House. She read "a guest house is a building separate in addition to a main residential building on a lot intended for intermittent or transient occupancy, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit". She added that was what it had always been in the past, no kitchen facilities.

Attorney Doll asked what was in this kitchen. He said obviously they had a range...

Jim Nichols replied a range, a microwave, a dishwasher, and a refrigerator.

Attorney Doll said they knew of plenty of barns that had refrigerators, he didn't think they were stainless steel with ice in the door, but they were refrigerators. He said with that said, the Commission had told people in the past to take out ranges. He said he did not know if they had ever had a dish washer in an accessory building either but...

Mrs. Rector, referring back to the Comprehensive Zoning Ordinance, stated kitchen facilities were a portion of a building used for the preparation of meals.

Jason Fuchs asked so the county didn't have any pool houses that would have a grill outside and a refrigerator inside, or a microwave.

Attorney Doll answered he was sure they did he just didn't think they would ever allow anyone to keep a full kitchen.

Andrew Nichols, owner's son, came to the podium. He asked could they remove the range receptacle, blank that off and then the gas too so there would not even be potential for an addition later down the road.

Jim Nichols said the Commission had been discussing him subdividing the property and leaving it into two residences. He asked the down side to that for him would be the expense of the taxes, is that correct.

The President replied most likely, but he didn't know what that would be.

Jason Fuchs said that and the location of where he was wanting to put the house, they were potentially very close.



The President said he thought he would be able to build it where he planned to either way.

Mrs. Rector said he could be as close as 6' to the side property line.

Jason Fuchs argued for the resale purpose he would not want it that close to the line.

Attorney Doll said well, if he was going to resell it then he would have to subdivide it, if he was not going to resell then that would be an academic point he guessed.

Bob Johnson asked when he planned on building.

Jim Nichols replied as soon as the weather would allow him to. He added he hadn't picked out a house plan yet so he was sure it would take a while as well.

Bob Johnson said he was thinking it was already assessed as a single family dwelling so if he subdivided, as Guy was telling him... inaudible... until he got his home built it would cut back on his taxes a little.

Jason Fuchs said he was planning to live in it during construction.

Bob Johnson said he could because it was a home. He continued so if he divided it like Guy had told him and had two parcels then he could have that as a development property until they had his home built. He added then, once he moved in, he would have the dual taxes on the two pieces but at that point he could probably figure something out to make the pool house something less than a home. He added that would allow him the chance to live there and still build. He said he just did not want to see Mr. Nichols tear something that nice up.

Mr. Nichols said he definitely didn't want to tear it up if he didn't have to.

Jeff Willis asked if he just took the range out, could he just put something in that did not require a range. He added if it was just a pool house going to be on the same property, he didn't know how exactly property taxes worked. He said he knew with rental properties they would get assessed with twice the value, or they would pay twice the taxes they would for a home.

Mrs. Rector replied in Warrick County they would get assessed for the use of the property, no matter what it was. She added the Commission was trying to look up what the Assessor's Office had assessed it as.

Bob Johnson said if he split the property into two parcels and had one parcel to build on this would be the primary dwelling until the second house was built.

Mrs. Rector said right.

Bob Johnson continued then that would become his permanent primary dwelling and then he could somehow turn this into a pool house.

Jim Nichols said that was exactly what he was trying to do.

The President said he did not think that would make the taxes go down that much.

Jeff Willis said he would think the second property would be a lot higher. He added he wouldn't get his homestead for the new home that way.

Attorney Doll said they were looking the property card up to see what the homestead was. He asked what the homestead exemption was now.

Mrs. Barnhill replied the GIS would only pull property taxes from 2009-2010. She added it was pulling from the wrong year.

Attorney Doll asked why it would be doing that.

Mrs. Barnhill responded it was a glitch in the system.

Bob Johnson asked what he was wanting to know Counselor.

Attorney Doll said he was wanting to know the homestead exemption monetary savings now so Mr. Nichols could know how much he was really talking about.

Bob Johnson replied okay.

Attorney Doll, referring to the Assessor's website, said it looked like there was an appraised value of the land for \$29,700 the improvements were \$60,500 so the total assessment was \$90,200 for the total 7.5 acres.

Jason Fuchs asked what the acreage was, that did not sound correct.

Bob Johnson said it was the way it was coming off the GIS. He said it only had the home portion, not the entire two parcels.

Attorney Doll added if it was one parcel the entire parcel was \$90,000. He said the taxes were \$1,610, he asked was that twice a year. He asked if Mr. Nichols had paid taxes yet.

Jason Fuchs said he had just taken ownership.

Jim Nichols said he had just closed on it, he might have done it on the closing.

Attorney Doll said it looked as though the base rate was \$1,610 and the adjusted rate was \$1,433. He said so unless there was a mortgage exemption he was assuming the difference was, there wasn't a homestead exemption on it now. He added no one had ever lived in it technically.

Jim Nichols said the previous owner lived there.

Attorney Doll asked he did.

Jim Nichols said yes.

Attorney Doll said well the difference would then be between the \$1,610 and \$1,433.

Jim Nichols said so \$200.

Attorney Doll said yes, \$200.

Jim Nichols said he was alright with that.

Attorney Doll said that appeared to be what the deduction was. He added that was the adjustment, it went from \$1,610 to \$1,433. He said that would be a less than \$200 reduction, according to the tax card, which appeared to him to be the homestead.

Jim Nichols asked so they were thinking the best thing for him to do was to leave it as a house.

Attorney Doll replied it was a beautiful property. He said it was worth more money in the current condition then it would ever be again if he did tricks to make it stay on one parcel to avoid paying \$180 in taxes. He added the easiest thing he could do was subdivide the property. He said yes, he would pay a little more tax but he didn't know what the home was going to be like. He said he was guessing that if this was the barn the home would be very nice.

Jim Nichols agreed, saying the home would be pretty nice.

Attorney Doll said in the total scheme of things he would be paying a lot of property taxes on the new home.

Jim Nichols said right.

Attorney Doll said he would make the market value of this property 20-30 years from now a lot better, in his opinion.

Jim Nichols asked this way he could keep the barn as it was, the kitchen could stay.

Attorney Doll said he wouldn't have to touch it.

Mrs. Rector said then he would not have to get a variance or anything. She said he could just divide it and leave everything the way it was.

Attorney Doll said exactly, divide the lot and leave it the way it was.

Jim Nichols asked if he could show the Commission how the whole thing was going to be done, or how he would like for it to be. He said there was an aerial picture they could look at showing the property. He referred to the aerial, saying there was the barn, the "X" was where his house

would be, and that was where his daughter and son would build. He said all of them would share the pool house that was the idea.

Bob Johnson said very nice.

Mrs. Rector said she thought what Attorney Doll was telling him he should listen to.

Jim Nichols asked subdivide it and leave it like it was.

Mrs. Rector explained it would not cost that much more to have Jason add one more lot to the subdivision he was already doing.

Attorney Doll said he had the right to ask for a variance if he wished to do so, but he thought he would potentially ruin a beautiful piece of property.

Jim Nichols said right, he was there to find out the best way of doing this.

Attorney Doll said everyone in the room had a different opinion.

Jim Nichols said he would really like to keep it like it was if it was at all possible.

Attorney Doll said Mr. Nichols this was a beautiful piece of property.

Jim Nichols said thank you.

Attorney Doll said he was a very fortunate man.

Jim Nichols said he was looking for property for his son when he found it.

Attorney Doll said he was a lucky guy.

Doris Horn agreed yes.

Jim Nichols said he would just divide it. He asked did he need to let anyone know the plan or turn in any paperwork.

Mrs. Rector said Jason would take care of it for him.

#### Solar Panel Farm- Zoning Classification

Mrs. Rector stated she received an email from this gentleman about Solar Farms, he sent a picture of what he was wanting to do. She added Amanda was trying to gather information from Purdue because a lot of different counties are changing their ordinances for those. She said Morrie tried to call the man.

Attorney Doll added Mrs. Rector had asked him to.

Mrs. Rector said yes, she wanted him to find out exactly what he wanted to do. She said she had read some ordinances of different counties, not necessarily in Indiana, but most of them were at least Special Uses according to how many acres it was, whether it was a Special Use or it went to Commercial and different things like that. She stated she thought they would like to just get it continued to next month to see if the man returned Morrie's phone call, and to give Amanda some more time to do some research.

Attorney Doll said he had traded phone calls, he had called Mr. Morrison and had to leave a voice message. He added he was from Colorado and then two weeks or more went by and then he received a voice message on his voicemail from Mr. Morrison saying he was in Michigan at the time working on a different solar project and he would reach out to him in the near future. He said then Thanksgiving came and he hadn't heard from him again, so the idea may be academic or it may be real they didn't know.

Bob Johnson asked Amanda what concerns she had on this.

Amanda Mosiman said from her perspective R.E.S. and another company had been kind of probing some Indiana counties. Jasper County just put there's in and Elkhart had one. She said she had to go to her extension Ohio resources to look at some solar ordinances that had been put into place in Ohio. She added Shelby County had one, Knox County had some, and they were all going in as Special Uses because they did not have anything in their comprehensive plan in solar so they had kind of hastily put together a Special Use exemption. She added depending on the size of the Solar Farm, and if it was the local energy co-op putting it in or a larger company, push back had been fairly minimum to whole communities converging, kind of like what they had seen with the Prime Foods. She said it was really going to depend, some of the local...

The President asked what everyone's concern was, just the looks.

Amanda Mosiman replied the looks, the use, depending on what sites he had in mind. She added she was curious to see what he considered as a suitable site because if it was prime farm land then they were probably going to get a whole lot more push back then if it was reclaimed ground. She added if Peabody was wanting to use some reclaimed ground then maybe they should look into that, but also Indiana was not the best site for Solar Farms. She said yes, they had plenty of sunlight but in the winter time they had more cloudy days. She added they had a lot of dust problems in their area and the way they had to be cleaned and the way it had to be maintained, they had dirty air around there and they all knew it.

Bob Johnson asked had she done any research as to what it did to the environment.

Amanda Mosiman replied it had very minimal environmental impacts. She asked what he was looking at. She added it was negligible.

Bob Johnson said the ground itself.

Amanda Mosiman replied no.

Attorney Doll said the problem with it was the company that had reached out to them (referring to the Solar Farm picture) this was an actual picture of their facility in Texas. He added this was not a neighborhood Solar Panel Farm, like she was talking about Knox County or...

Amanda Mosiman stated there was a huge one that went in in Shelby County.

Attorney Doll said this was big, referring to the picture.

Amanda Mosiman added yes, that was. She added she thought they would see push back. She said they would create several jobs while being built and they would use several local companies to get them built, but once they were installed they would only have maybe three employees. She said the biggest thing was keeping them clean and replaced.

Bob Johnson asked what would they zone that.

Attorney Doll stated that was the point.

Amanda Mosiman said that was the big question.

Attorney Doll said that was the dilemma Commissioner, do they need to put a special district in, do they make it a Special Use.

Jeff Willis said he thought it should be a Special Use under Agriculture or M-1.

Attorney Doll said if they made it a Special Use they were opening the door for another knock-down drag-out fight like Prime Foods.

Amanda Mosiman added she had about five other counties that were looking into putting one of those in. She said she was the head of their State Land Use Team and she had talked to some of their guys on campus. She said campus was a mess right now because of some...

Bob Johnson said he thought there was one of these already down 69 going North.

Amanda Mosiman said yes there is.

Attorney Doll added South of the turn off to go to Crane.

Amanda Mosiman said it was Crane Westgate who put one in.

Attorney Doll said it was a postage stamp compared to this.

Jeff Willis said when he flew into Las Vegas they had these all over the place.

Attorney Doll said yes, because of the desert.

Jeff Willis said it would make sense in the desert, they were huge.

Mrs. Rector asked were there any federal or state regulations on them, as a utility or anything.

Amanda Mosiman replied no, they were done bid by bid.

Jeff Willis asked who they sold them to, would Vectren be required to buy them.

Attorney Doll said what would happen was some counties would zone these out as possibility. He said they would go to the state legislature, like the coal mines did, and say they need them to preamp local zoning for prohibiting Solar Farms and they would sell to the legislature on the idea that this was the future. He added it was clean energy, which it was and he thought it would displace coal.

Amanda Mosiman added one of her sources told her that there was money back in this in the Midwest market. She added the Midwest did not have a lot of renewable energy uses because they had heavily relied on coal. She said so there was money to bring this type of renewable energy right now into the areas that had... She said they want to talk about food deserts, it was a renewable energy desert. She said they had very limited uses of their energy.

Attorney Doll said these and the wind turbines in Northern Indiana.

Amanda Mosiman said they would never deal with that there. She added they did not have the sustainable wind speed at one thousand feet.

Attorney Doll said so the question to the Commission was did they want Sherri, himself, and Amanda to work on a Special Use amendment to the local zoning code to make solar generation facilities a Special Use in Warrick County. He said that way if someone would come they had created a process for them to have a hearing, to review, and to see where it was.

Jeff Willis asked if a solar panel were to break would it poison the water.

The Board replied no.

Amanda Mosiman said they were giant mirrors that were hooked up to electrical grids. She added it was fairly intensive use of the ground compaction issues that was why she said they shouldn't put it on farmland. She said once it was in though the biggest issue with Solar Farms was getting it to the grid because of the energy loss. She said that was inefficient but they were getting better all the time. She said they would want to put it in an area that would be fairly easy to get to so the transmissions were fairly close to major substances.

Bob Johnson added then they would have to figure out a way to store it.

Amanda Mosiman added she had farmers putting in small systems all of the time. She added they cannot regulate it enough where farmers cannot put them in, because farmers were trying to run

grain dryers off these during high use times and Vectren prices them out because of high utility pricing.

Attorney Doll added that would not be considered a Solar Farm, but it seemed to him...

The President asked farm meant they would be selling it.

Attorney Doll replied commercially, versus using these for someone's home or small business these were designed to sell the energy back to a utility company.

Jeff Willis asked did the utility companies have to buy them in Indiana.

Attorney Doll said no, but in some point in time they were going to start closing, well the Rockport Generation Station by Indiana Michigan was now on a closing time table. He added he didn't think it would happen within the next year but they were not going to continue to maintain it, they were going to close it. He added it had reached peak life expectancy and these were the things that would be replacing that, maybe.

Bob Johnson said he certainly thought it merited some research and some conversation because...

Jeff Willis added he thought it would be easier to come up with characteristics that the Board would want and then if it fell in that they would not have to have a meeting about it.

Mrs. Rector said they would have to have a meeting about it because they would have to tell her to draft an ordinance.

Jeff Willis said well send it to the Board of Zoning Appeals if it met certain requirements, then they would not have to...

Attorney Doll said what was going to happen was some point in the future a man or woman was going to walk into Sherri's office and say they were going to build one of those.

Doris Horn added it was the future she thought.

Amanda Mosiman stated she agreed, there were two companies and these were not the only companies coming into the state right now.

Attorney Doll said they were going to ask how they could put one in, what were the hoops they had to jump through to get building permits, and where could they put these in Warrick County. He added right now the Board's answer is they don't know and that would not be a good answer. He said he thought the Commission should ask Sherri, Amanda, and himself to work together to see if they could put together a Special Use. He added these would not be for the ones on a person's home, not for the ones on the roof of a local business, but commercial grade solar generation facilities.



Amanda Mosiman said there were other extension services and she had access to all national extension services. She added she just had not been able to scratch the surface because the office moved, harvest was long, and she just was not able to meet her contacts in other states and get into some of the research she hoped for. She said she could find the research that they wanted.

Attorney Doll asked if her best time was over the winter.

Amanda Mosiman said she would get it done. She went on to state her opinion on Vectren purchasing Solar Farms.

Bob Johnson asked didn't Vectren just put a big one in down in Evansville.

Mrs. Rector replied they were going to if they hadn't already.

Attorney Doll stated Vectren was going to close its entire generation facility one at a time to move to solar, wind, or natural gas as only options Vectren or the new company from Texas would have to generate electricity.

Amanda Mosiman said these companies could put a Solar Farm in someplace else and sell it to somebody else so the county might be powering the East Coast or the West Coast.

Attorney Doll added it was called wheeling.

Amanda Mosiman added so the power may not even be for Indiana.

Attorney Doll said that was why Indiana Michigan built in Rockport, that electricity was used in Fort Wayne and Michigan, none of it was used locally. He added they put it there because of coal and the Ohio River barge traffic. He said they would generate it, dump the power onto the grid, and take the power off. He added they put power on and it would be metered as they put it on the grid, they then sell the power or use it themselves and it was metered as they take it off. He added as long as what they were putting on equals what they were taking off they do not owe anybody for any power.

Amanda Mosiman added she had a farmer who did that now.

Attorney Doll said that was what happened in Rockport and that was what would happen there.

Bob Johnson asked did they still charge them for the meter.

Attorney Doll said the question was did they want them to work at the beginning of the year to bring the Commission some kind of a Special Use.

Jeff Willis said yes, a Special Use or where it would fit in a zoning classification.

Attorney Doll said he would really like for the Board to give them some guidance on what to do. He said if it were going to be in a zoning district that would...

Mrs. Rector added a Special Use would have to state what zoning it would be going in.

The President said that way it could go into multiple ones, like Agricultural and Commercial. He said he thought they should go with a Special Use, because if it fit in a zoning then they wouldn't have to have special regulations.

Mrs. Rector added this should not go in any residential zoning districts.

Bob Johnson said he would look at it as industrial.

Mrs. Rector said yes, but they had to think did they want that much acreage zoned industrial.

The President said let Amanda look it up and see what districts other counties were putting it.

Amanda Mosiman said from her research so far, she found most of them were in agricultural zoning, set up as a special use.

Attorney Doll said they would work on it and give a report back to them after the first of the year.

#### Victoria Subdivision- Moratorium issued April 12, 1989

Mrs. Rector stated in 1989 the Planning Commission put a moratorium on several subdivisions where the developers went in, sold the lots, and never finished the roads or anything. She added that was the reason why they now have Letters of Credit, so subdivisions don't just take off. She said Victoria Subdivision was one of them that the moratorium was put on for no new permits. She said since that time the road had never been brought up to county standards, referring to the aerial Mrs. Barnhill was putting up. She said it was like a gravel driveway that was not built up at all.

Attorney Doll asked was that called Long Road.

Mrs. Rector replied yes, Long Road. She said from what she understood from Bobby, Bobby had explained to the people in the subdivision that they would need to get the road up to county standards before any permits could be done. She said Bobby told her there were even places where guard rails would need to be put up because of the drop off. She said Dean Stallion bought part of Lot 7, which was illegally subdivided, and was wanting to build a storage building. She said she told him she couldn't give him a permit and she talked to Morrie about it because there was a moratorium on it.

Attorney Doll added the moratorium which was instituted by the Commission, and this gentleman bought the back half of Lot 7 because the front half has a house on it.

Mrs. Rector said yes and Bobby said to order in bring the roads to county standards it needed to be 22' of pavement, 4 ½ inches of asphalt, 6 inches of concrete, guardrails, and of course they would need to do street plans approved by the engineer. She said her question was should Mr. Stallion have to build the road up to county standards where it met the ordinance of him having at

least 50' of frontage on a maintained right of way, or should she allow him to get a Variance to get a permit without a maintained right of way.

The President asked did Dean divide that and sell that back lot.

Mrs. Rector said correct, so the question was would they lift the moratorium so Mr. Stallion could get a variance, or should they have him build a road up to county standards for the permit.

Attorney Doll added for an unattached building on an illegally subdivided lot.

Mrs. Rector said he did say that he was trying to purchase both parcels and she told him she thought he should put it back together so he didn't have an illegally subdivided lot. She said he was supposed to be there tonight to tell her whether or not he purchased it but he did not show up.

The President asked was Dean the one who sold it, divided it, or bought it.

Mrs. Barnhill said he bought the part with the house on it and he was wanting to buy the other piece of it.

Attorney Doll asked did he own the house.

Mrs. Barnhill said he owned the house and was living in it.

Doris Horn said she thought he should be brought up to code in order to get his permit.

The President asked so when was it divided.

Mrs. Barnhill replied they were not for sure, it was done by a prior deed.

The President said he bought the house from his niece and she bought it from the McKinney's.

Mrs. Rector added she believed it had been split like that for some time.

Attorney Doll asked how many lots there were total.

Mrs. Rector replied 14 lots.

Attorney Doll asked how many of those had single family dwellings.

Mrs. Rector replied 4 and they were given in the 1980's before the moratorium was placed on it.

Attorney Doll said the question for the Board was what they wanted Sherri to do with the moratorium which was banning any future building permits in this subdivision, because it was noncompliance with the plat. He asked do they lift it, leave it as it was, or are they willing to give... He said he was anticipating questions Sherri would face, he said what if he asked to put the road in just so far. He said what if he asked to only put the road in up to his lot, could he bring the road

to his driveway of his house and build his barn. He asked so what was the consensus of the Commission for Sherri to do with this.

The President asked who put the moratorium on it in the first place, the Commissioners.

Mrs. Rector said no, the Planning Commission did on September 13, 1989.

Attorney Doll added thirty years ago.

Jeff Willis asked so how long do you punish the people who own the property there.

Bob Johnson said he was trying to figure out how someone could divide something illegally and it could get in the plat system that way.

Attorney Doll stated well they brought the plat in, the plat was approved, but they didn't follow up with any improvements to be made per the plat and this was before Letter of Credits. He said people were coming in to ask for building permits and the road was never completed.

Bob Johnson said right, but what he was trying to figure out was how people could illegally subdivide lots in a subdivision.

Mrs. Rector said people take their deeds over to the Auditor's office, turn it in, and they divide it for them.

Attorney Doll discussed the process of recording deeds through the Assessor's and Auditor's offices without coming through the Planning Commission with Commissioner Bob Johnson.

Mrs. Rector stated back to Long Road, what would they like her to do.

Amanda Mosiman said Mr. Stallion just bought the other lot on December 5. She added he now owns the 4.25 acres and the 2.5 acres.

The President said he thought if he was willing to bring it up to standard then he could get his permit.

Mrs. Rector asked up to 50' of frontage to meet our ordinance.

The President said that was what he thought.

Bob Johnson asked was this a private road.

Mrs. Rector said no.

Bob Johnson asked was it county maintained.

Mrs. Rector said it was county.

The President added it had never been accepted though, right.

Mrs. Rector said no that was the problem.

Bob Johnson added it wasn't accepted because it was not brought up to standards.

Mrs. Rector said there was a provision in the subdivision ordinance that states there could be a rural rock road. She added they would still have to bring it up to certain standards, but they would have to come to the Commissioners to ask for permission. She said that would be another option for the man to do. She said that Bobby told her asphalt or concrete because they do not want gravel roads in the county.

The President said Three Lakes was about the only rock one left.

Bob Johnson said the county didn't even really want concrete roads.

Attorney Doll added concrete would crack and break.

Bob Johnson said he thought it needed to be brought to standards with asphalt.

Attorney Doll asked all the way or just to that property.

The President said whoever was wanting the permit should have to put it in the roadway to standard up to their driveway. He said the owner was not the original developer, he should not be punished for the developers doing.

Mrs. Rector added he just bought it, the other people had been living back there for years.

Attorney Doll said this could be a slippery slope, how could they tell the next person no if they came in.

The President replied they would then have to build it up to standards on their part.

Amanda Mosiman said by looking at the aerial the Board would be bringing two of those parcels up to code by having him do that.

President Gentry said yes and he was sure he would go next door and ask for help from his neighbors.

Attorney Doll added he should and he should ask the last house to join in and take the road all the way to that person's driveway.

Amanda Mosiman said if he could do that she would encourage him to do so.

Attorney Doll said as a correction of this historic failure to develop the property the motion would read that as long as the county access right of way was brought to county standards using asphalt to accommodate access to the lot seeking the permit it would be approved as an exception to the existing moratorium.

The President added thus leaving the moratorium in place. He agreed saying yes, he liked this.

Attorney Doll explained what he was trying to do by saying it was a historic failure was to not make this where the next development of a new site would walk in and say they only want to build the first four lots of their roads.

Mrs. Rector asked do they agree on 50', which was what was in the ordinance, of his proposed lot.

Attorney Doll said yes, for access to his proposed lot where he was seeking the new Improvement Location Permit.

Bob Johnson asked was this from Yankeetown Road.

Mrs. Rector replied yes, it would have to be. She added he would also need to combine the two parcels and put it back into one piece.

The Board agreed stating yes.

Attorney Doll said he thought he would take it to his house. He said that was what it looked like to him.

Bob Johnson asked could he take it to the edge of his property.

Mrs. Rector replied to be in compliance with our ordinance he would only have to take it 50' into his property. She added to make it legal that would be all he would have to do.

The President said right, so he may only go right past his line since that is all he would be required to do.

Attorney Doll asked would he have to give up his driveway then.

The Board replied no.

Attorney Doll said it was nonconforming preexisting then. He said he did not think so. He asked where the Board wanted him to take the road.

Jeff Willis asked was the right of way big enough to meet county standards or would he have to buy property from his neighbors to complete this.

Mrs. Rector replied it was 50' of dedicated right of way.

Attorney Doll said in order to get to his driveway he would have to go at least 1,000'. He asked where would the Board like Sherri to tell him the road improvement had to get to. He added he also would have to put the lots back together.

Mrs. Rector said the ordinance said 50'.

Bob Johnson said then the Board should do what the ordinance said.

Mrs. Rector said she agreed it should go 50' into his property.

Attorney Doll said he could stop it at roughly 1050' if he wanted to.

Bob Johnson said yes if he wanted to, if it was him he would at least take it to his driveway.

Attorney Doll said they would tell him what the ordinance said, at least 50' into his property and then to correct this historic wrong, if he puts the lots back together, the Area Plan Commission would issue an Improvement Location Permit for a storage barn on the back of the property. He added the road would have to be in first.

Mrs. Rector added it would also have to be accepted by the Commissioners.

The President and Attorney Doll asked would there be a Letter of Credit.

Mrs. Rector said well he didn't have to build it if he didn't want to, he just would not get a permit without it.

Attorney Doll said he would have to build it correctly too. He added that was what the Letter of Credit was designed for besides actually building it.

Mrs. Rector asked a Letter of Credit too.

Attorney Doll said either that or he could not get his Improvement Location Permit accepted until it was complete.

Mrs. Rector said that was what she understood to begin with.

The President said he thought the Letter of Credit was just for the original developer.

Mrs. Rector agreed yes.

Bob Johnson said he thought that would be asking too much.

Mrs. Rector said what he needed to do was turn in a set of street construction plans to Bobby and Bobby would have to approve them. She added he would have to hire an engineer, go out and build it, and once Bobby would sign off it had been built then it would go to the Commissioners

with a street acceptance request. She said after he had completed all of that, he could then receive his permit.

Attorney Doll added the minimum is 50' into the property, he could go as far as he wants after that but the minimum is 50'.

Mrs. Rector agreed saying right.

Bob Johnson said suggest to him to go to his neighbors and do the entire street to the length it would need to be done and then the county would take it over.

Mrs. Rector stated okay she would do that.

**ATTORNEY BUSINESS:** None

**EXECUTIVE DIRECTOR BUSINESS:**

Complaint- Owner: Bruce Miller. Emergency escape window in a Public Utility Easement. Appears to not meet set back and yard requirements. *Woodfield Subdivision.*

Mrs. Rector stated Bruce Miller was building a house in Woodfield Subdivision. She said there was a 7' public utility easement from the side property line. She added set backs on the side yards were 6', as the Board knew. She said his house was 7'6" in from the property line which meant he was 6" from the public utility easement. She said the neighbor had called to complain that they were putting in an emergency escape window from their basement. She said it was in the public utility easement and the neighbor does not like it because it was right next to their house. She said she told the lady that she did not know if that was part of a structure or not, driveways could go in easements. She said that she talked to Dennis Lockhart and he said in his opinion because it could be removed it would not be considered as part of the house, however someone could come in and receive a permit for a deck and they could remove it and the Planning Commission did not allow those in any easements. She said she was asking the Commission if that would be considered a structure.

Bob Johnson said he believed it was not a permanent fixture.

The President asked if they were talking about one of the crawlspace things.

Mrs. Rector replied no, it went outward 4' so a person could get out from a basement.

Amanda Mosiman said her husband and herself were building one on their basement wall.

Attorney Doll said which would mean someone would be occupying their basement.

Amanda Mosiman said yes they were doing it for their shop downstairs.



Bob Johnson asked was it an emergency exit only or could it be used as a doorway.

Amanda Mosiman said most likely they were trying to classify something as a bedroom.

Mrs. Rector added when they first received their permit it said storage, but the evidently were trying to make it into a bedroom now and by code they would have to have a window.

Bob Johnson said he would consider that as a structure.

Amanda Mosiman said it was essentially a window and she thought it was part of the structure.

Attorney Doll said it was an emergency door.

Amanda Mosiman agreed, saying yes it was an emergency door or emergency window.

Mrs. Rector said she thought it was too.

Amanda Mosiman said she hated telling someone that they couldn't have an emergency exit outside their home, but it should not go in any easement.

Mrs. Rector said she had looked at the house plans and it said storage so they were changing the use of the room.

Amanda Mosiman said yes.

Mrs. Rector said okay she would tell Dennis to go out and stop them.

Bob Johnson said if Dennis needed to discuss anything about it to call him.

The President asked for a motion to find not in violation.

Jeff Willis made a motion to find not in violation. The motion was seconded by Amanda Mosiman and unanimously carried.

Doris Horn made a motion to adjourn the meeting. The meeting was seconded by Amanda Mosiman and the meeting adjourned at 7:17 p.m.

ATTEST:

---

Sherri Rector, Executive Director

---

Guy Gentry, President